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No. 33] NEW DELHI, SATURDAY, NOVEMBER 30, 1985/AGRAHAYANA 9, 1907

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (III) PART II—Section 3—Sub-section (III)

(संघ राज्य क्षेत्र प्रशासनों को छोड़कर) केन्द्रीय अधिकारियों द्वारा जारी किए गए आदेश और अधिसूचनाएं
Orders and Notifications issued by Central Authorities (other than Administrations of Union Territories)

भारत निर्वाचन आयोग

नई दिल्ली, 7 अक्टूबर, 1985

आदेश

आ.अ. 96.—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सरणों के स्तम्भ (2) में यथा विनिर्दिष्ट हिमाचल प्रदेश विधान सभा के निर्वाचन के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन-क्षेत्र से हुआ है, स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्विषयक बनाए गए नियमों द्वारा अश्लेषित उक्त सरणी के स्तम्भ (5) में यथा उपवर्णित रूप में अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहा है;

और उक्त अभ्यर्थियों ने सम्यक सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण अथवा स्पष्टीकरण नहीं दिया है या उनके द्वारा दिए गए आवेदनों पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या व्याख्यान नहीं है;

अतः अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10-क के अनुसरण में नीचे की सरणों के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को मतों के हिसाब से सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख में तीन वर्षों की कालावधि के लिए निर्गृहीत घोषित करता है।

सारणी

क्रम संख्या	निर्वाचन का विवरण	संसदीय निर्वाचन-क्षेत्र की क्र. सं. और नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम व पता	निर्वाचन का कारण
1	हिमाचल प्रदेश विधान सभा का साधारण निर्वाचन, 1985	29--गगरेट (अ.प्र.)	श्री रामचंद्र, गांव तथा डाकघर : अम्बोटा, जिला ऊना (हि० प्र०)	लेखा दाखिल नहीं किया
2	--वर्ही--	35--संगर (अ.प्र.)	श्री सोम राज, गांव तथा डाकघर कंडगोरी, तह० नूरपुर, जिला कांगड़ा, हि. प्र.	समय पर तथा नियमानुसार लेखा दाखिल नहीं किया

[संख्या 76/हि.प्र. वि.सं./85(3)]

ELECTION COMMISSION OF INDIA

New Delhi, the 7th October, 1985

ORDER

O.N. 96.—Whereas the Election Commission is satisfied that the contesting candidates specified in column (4) of the Table below at the election to the Himachal Pradesh Legislative Assembly as specified in column (2) and held from the constituency correspondingly specified in column (3) against their names have failed to lodge accounts of their election expenses, as shown in column (5) of the said Table, as required by the Representation of the People Act, 1951, and the rules made thereunder;

AND WHEREAS the said candidates have either not furnished any reason or explanation for the said failure even after due notice or the Election Commission, after considering the representations made by them, if any, is satisfied that they have no good reason or justification for the said failure;

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

TABLE

S. No.	Particulars of Election	S. No. & Name of Constituency	Name and address of the candidate	Reason for disqualification
1	2	3	4	5
1.	General Election to the Himachal Pradesh Legislative Assembly, 1985	29—Gagret (SC)	Shri Ram Chand, Vill. & P.O. Ambota, Distt. Una, Himachal Pradesh	Account not lodged
2.	General Election to the Himachal Pradesh Legislative Assembly, 1985	35—Gangath (SC)	Shri Som Raj, V. & P.O. Kandrori, Teh. Nurpur, Distt. Kangra, Himachal Pradesh	Account not lodged in time & in manner

[No. 76/HP—I.A/85 (3)]

नई दिल्ली, 31 अक्टूबर, 1985

Versus

आ. अ. 97.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, निर्वाचन आयोग 1985 की निर्वाचन अर्जी संख्या 3 में दिल्ली उच्च न्यायालय के तारीख 4-9-1985 का आदेश पतद्वारा प्रकाशित करता है।

[संख्या 82/दिल्ली-लोक. स./3/85]

आदेश से,

टी. डी. गुप्ता, अवर सचिव

भारत निर्वाचन आयोग।

New Delhi, the 31st October, 1985

O.N. 97.—In pursuance of section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the order dated 4-9-1985 of the High Court of Delhi in Election Petition No. 3 of 1985.

[No. 82/DL-HP/3/85]

By Order

T. D. GUPTA, Under Secy.
Election Commission of India

IN THE HIGH COURT OF DELHI AT NEW DELHI

Election Petition No. 3/85

Shri Prahlad and others

Plaintiff

Shri Lalit Maken

—Defendant.

This the 4th day of September, 1985

Coram : Hon'ble Mr. Justice J. D. JAIN

PRESENT :

None.

E.P. No. 3/85

There is no appearance on behalf of either party today. Hence, the petitioner does not appear to be interested in prosecuting this election petition. It is, therefore, dismissed in default of appearance/non-prosecution.

September 4, 1985.

Sd/-

J. D. JAIN, Judge

भारत निर्वाचन आयोग

नई दिल्ली, 17 अक्टूबर, 1985

आ. अ. 98.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में निर्वाचन आयोग पतद्वारा याचिका सं. 1985 का 1 में उच्च न्यायालय, बम्बई (औरंगाबाद बेंच) द्वारा 31 जुलाई, 1985 को घोषित आदेश को प्रकाशित करता है।

[सं. 82/महाराष्ट्र-लोक सभा/1/85]

आदेश से,

बलवंत सिंह, अवर सचिव

ELECTION COMMISSION OF INDIA

New Delhi, the 17th October, 1985

O.N. 98.—In pursuance of section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the Order pronounced on 31st July, 1985 by the High Court of Judicature at Bombay (Aurangabad Bench) in Election Petition No. 1 of 1985.

[No. 82.MT-HP/1/85]

By Order,

BALWANT SINGH, Under Secy.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH AT AURANGABAD

Election Petition No. 1 of 1985

Kendappa Sadashiv Kore, age 41
years, occupation Social Worker,
resident of Kasba Tadwala, Tq.,
and District Osmanabad.

—Petitioner.

Versus

1. Arvind Tulsiramji Kamble, age:
Adult, occupation—
resident of Navi Abadi, Udgir, District
Latur, at present Member of,
Parliament-New Delhi.
2. Deorao Namdeorao Kamble, age :
Adult, occupation—
Resident of Pathri Mohella,
Maliwada, Tq. Pathri, Dist.,
Parbhani.
3. Ashok Shunker Gholup, age:
Adult, r/o 3699 Malappa Dhanshati,
Road, Tq. Bassi, Dist. Sholapur.
4. Mohan Eknathrao Kamble, age:
Adult, occupation-Lecturer,
resident of Shivaji College,
Barsi, Dist. Sholapur.
5. Vithal Sathe, age : Adult,
occupation-Nil, resident,
of B-42 Near Sawitribai,
Phule Hostel University,
Pune-411007.
6. Tukaram, S/o Sadashiv Shringare,
age : Adult occu. Advocate, resident
of 10 DRT Labour Colony, Latur,
Dist. Latur.
7. Ramanand Tiwari, Returning,
Officer, 36th Osmanabad,
Constituency for VIIIth,
Lok Sabha, at present,
Collector, Osmanabad.

—Respondents.

Shri S. A. Chede, Advocate for the Petitioner.

Nonoe—for the Respondents.

CORAM : KHANDEKAR, J.

Date : July 31st, 1985

ORDER

This order deals with a preliminary point which has arisen in this petition at the initial stage in view of non-compliance of the provisions contained in section 117 of the Representation of the People Act, 1951.

2. The Election Commission of India declared Election Programme for VIIIth Lok Sabha Elections under section 30 of the Representation of the People Act, 1951 (hereinafter referred to as the Act), after the President of India ordered elections for the Lok Sabha as per the notification issued in November 1984. Respondent No. 7 Shri Ramanand Tiwari, Collector of Osmanabad was appointed as returning

Office for the 36th (SC)-Osmanabad Parliamentary Constituency, which was a reserved constituency. This constituency comprises of Osmanabad, Kallam, Tuljapur, Bhoom, Paranda, Bursi and Karmala talukas, the first 5 talukas being parts of Osmanabad District, while the latter 2 talukas form parts of Sholapur. The last date for filing nominations for the constituency was 27th November 1984. The date of scrutiny was 28th November 1984 while the last date for withdrawal of the nominations was 30th November 1984. The Poll was fixed for 27th December 1984.

3. The present petitioner by name Kendappa Sadashiv Kore, the present respondent nos. 1 to 6 and others filed their nominations before the Returning Officer on the appointed date. As it was a reserved constituency, the petitioner filed a certificate to the effect that he belonged to the Scheduled Caste, along with his nomination paper. At the time of the scrutiny, respondents nos. 1 to 6 did not file any objections to the nomination of the petitioner but the Returning Officer (respondent no. 7) suo motu objected to the nomination of the petitioner and he rejected his nomination paper, observing that the caste certificate submitted by him was not issued by the competent authority. The respondent no. 1 Mr. Arvind Tulsiramji Kamble was declared elected to the above-mentioned constituency after the poll.

4. The Petitioner has filed this election petition under section 81 of the Act, thereby challenging the election of respondent no. 1 to the Lok Sabha from the reserved constituency mentioned above. The main allegations in the petition are that respondent no. 7 did not make any enquiry as contemplated by section 36(2) of the Act before rejecting his nomination paper and thus his nomination paper was wrongly rejected. He, therefore, prayed that the election of respondent no. 1 Mr. Arvind Tulsiramji Kamble to the Lok Sabha from 36th Osmanabad Parliamentary Constituency be set aside and fresh poll be ordered.

5. One Mr. S. A. Chede, advocate, who is a Voter from the said Parliamentary Constituency, mentioned above, also filed Election Petition No. 2 of 1985 challenging the election of Mr. Arvind Kamble, the present respondent no. 1 to the Lok Sabha from the same constituency. He alleged in his petition that the Returning Officer had committed an error in rejecting the nomination of Kondappa Sadashiv Kore who is the petitioner in Election Petition No. 1 of 1985. Alongwith this election petition, petitioner Mr. S. A. Chede has deposited Rs. 2,000 being the amount of security as laid down by section 117 of the Act.

6. In the present Election Petition No. 1 of 1985, the petitioner Mr. Kondappa Sadashiv Kore has, however, not deposited the amount of security to the tune of Rs. 2,000 as was ordered by this Court on 31st January 1985. In view of this failure on the part of the petitioner Mr. Kondappa Sadashiv Kore to deposit the amount of security, a preliminary point has arisen for consideration whether the election petition should be dismissed in view of the non-compliance of the provisions of section 117 of the Act.

7. Chapter III of Part III of the Representation of the People Act deals with the trial of election petitions. It would be important to bear in mind some provisions contained in that Chapter.

Section 86 of the Act is in the following terms;

"86(1) The High Court shall dismiss an election petition which does not comply with the provisions of section 81 or section 82 or section 117.

EXPLANATION.—An order of the High Court dismissing an election petition under this sub-section shall be deemed to be an order made under clause (a) of section 98.

(3) Where more election petitions than one are presented to the High Court in respect of the same election, all of them shall be referred for trial to the same Judge who may, in his discretion, try them separately or in one or more groups."

The other sub-sections of this section are not mentioned as they are not relevant for our purpose at this stage Similarly

sections 81 and 82 are not reproduced as they are not relevant for purposes of this order.

8. Section 98 runs as under :

"98(a) dismissing the election petition; or"

Sub-sections (b) and (c) are not relevant for our purpose.

9. Section 117 which is included in Chapter V of Part III of the Act is in the following terms :

"117(1).—At the time of presenting an election petition the petitioner shall deposit in the High Court in accordance with the rules of the High Court a sum of two thousand rupees as security for the costs of the petition.

Sub-section (2) of this section is not relevant for our purpose.

10. There is no dispute that the petitioner K. S. Kore, in Election Petition No. 1 of 1985, did not deposit the amount of Rs. 2,000 by way of security in spite of the order of this Court, as required by section 117 of the Act. The question, therefore, arose at the preliminary stage whether this petition would entail dismissal in view of the provisions contained in section 86(1) of the Act which are to the effect that 'the High Court shall dismiss an election petition which does not comply with the provisions of section 81 or section 82 or section 117.' There is no dispute that the petitioner Mr. Cueda in Election Petition No. 2 of 1985 has deposited the requisite amount of Rs. 2,000 by way of security. The facts in the present petition are quite similar to those in Election Petition No. 2 of 1985 and the only grievance made in both petitions is that the Returning Officer has wrongly rejected the nomination paper of Mr. K. S. Kore. It was on this ground that the election of the Present respondent no. 1 Arvind Kamble was sought to be set aside. Shri Chede, the learned counsel for the petitioner Mr. K. S. Kore canvassed before me that since Election Petitions Nos. 1 and 2 of 1985 are based on similar facts and since the same relief is claimed in both these petitions, it was not necessary for Mr. K. S. Kore to deposit the amount of security in Election Petition No. 1 of 1985. To support this argument, Mr. Chede, the learned counsel for the petitioner placed reliance on the provisions contained in sub-section (3) of section 86 of the Act. Sub-section (3) of section 86 provides that 'where more election petitions than one are presented to the High Court in respect of the same election, all of them shall be referred for trial to the same Judge who may, in his discretion, try them separately or in one or more groups.' However, there is no provision in the Act that when more election petitions than one are presented to the High Court in respect of the same election, all the petitioners in these petitions except one are exempted from depositing the amount of security as laid down in section 117 of the Act. In my opinion, therefore, if there are more election petitions than one in respect of the same election, all the petitioners must deposit the amount of security of Rs. 2,000 as envisaged by section 117 of the Act. The matter would have merited different consideration if more than one petitioner had joined themselves in one and the same petition. If there are 4 petitioners in one election petition and if one of them deposits the amount of security, it is not necessary for the other 3 petitioners to deposit the amount of security separately. As pointed out in *Yeshwant Sitaram Dessai and others v. Jaisinarao A. Rane and others* (AIR 1974 Goa, Daman and Diu, 4), the deposit under section 117 of the Act is for the security of cost of the petition. In joint petitions though there are more than one petitioner the petition being only one, the deposit of Rs. 2,000 only is payable. This is not the case before us. There are two separate election petitions and consequently, it is incumbent on the petitioner in each case to deposit the amount of security as laid down under section 117 of the Act as the provisions of that section are mandatory. The argument thus advanced on behalf of the petitioner K. S. Kore, therefore, holds no water and consequently, has to be rejected.

11. It was next argued by the learned counsel for the petitioner that as per explanation to section 86(1) of the

Act, an order of the High Court passed under sub-section (1) of section 86 is deemed to be an order under section 98(a) of the Act. The provisions of section 98(a) start with the words "At the conclusion of the trial...". It was, therefore, contended on the basis of the explanation to section 86(1) and section 98(a) of the Act that dismissal of the petition under section 86(1) could be done only after full trial of the petition and not at the preliminary stage, though there is no compliance of the provisions under section 117 of the Act. What was tried to suggest on behalf of the petitioner that it is only after the full trial that the Election Petition No. 1 of 1985 could be dismissed for non-compliance of the provisions of section 117 of the Act. I find myself unable to agree with this submission made on behalf of the petitioner.

12. In this connection it would be useful to refer to the decision of the Supreme Court in the case *Om Pracha Jain v. Gaur Chand and another* (AIR 1959 SC 857). The facts in this case are that the Election Tribunal dismissed the election petition under section 90(3) of the Representation of the People Act for non-compliance of section 117 of the Act. Section 90(3), which is now deleted but which was in existence at that time, provided that the Tribunal shall dismiss an election petition which does not comply with the provisions of section 81, 82 or 117, notwithstanding that it has not been dismissed by the Election Tribunal under section 85. Section 85 of the Act was to the effect that if the provisions of section 81, section 82 or section 117 have not been complied with, the Election Commission shall dismiss the petition. Sections 85 and 90 have now been deleted from the present Act. It is to be noted that the provisions in section 85 (now repealed) are similar to the provisions contained in section 86(1) of the present Act. The question for consideration in this case of O.P. Jain was whether the order dismissing an election petition under section 90(3) for non-compliance with section 117 was an appealable order under section 116A of the Act. It was held that an order dismissing an election petition under section 90(3) for non-compliance with section 117 was an order under section 98 and was appealable under section 116A of the Act. The following observations in the case of O.P. Jain (Cit supra) are relevant :

"There is no justification for the view that the word 'trial' in section 98 means that stage of the trial where evidence is tendered and arguments are addressed. An order made under the powers contained in section 90(3) brings to an end the proceedings arising out of a petition; after it is made, nothing more remains for the Election Tribunal to try or do in respect of that petition. Therefore, it would appear that it is made at the conclusion of the proceedings before the Tribunal. It is thus an order under section 98."

"Further, the word 'trial' as used in other sections of part VI of the Act clearly means the entire proceeding before a Tribunal from the reference to it by the Election Commission to the conclusion. There is, therefore, no reason to give it a restricted meaning in section 98."

12. It will thus be seen from the observations made in O. P. Jain's case (cit. supra) that an order dismissing an election petition under section 90(3) for non-compliance with section 117 is an order under section 98 which has been given a status of an appealable order and as such an appeal against that order is competent under section 116A of the Act. In view of the observations made in the Supreme Court case, cited supra, it is no longer open to the petitioner to contend that in view of the provisions contained in section 98(a) of the Act, the election petition should reach the stage of complete trial. I therefore, do not find any substance in the contention advanced on behalf of the petitioner K. S. Kore and accordingly, that contention is rejected.

13. Shri S. A. Chede, the learned counsel for the petitioner urged before me that the provisions of section 117 of the Act are discretionary and not mandatory and as such Election Petition No. 1 of 1985 should not be dismissed in limine. He also submitted that this petition could be kept along with Election Petition No. 2 of 1985 for hearing, since both these petitions challenge the election of respondent no. 1 on

one and the same ground. Section 117 of the Act specifically states that at the time of presenting an election petition, the petitioner shall deposit in the High Court in accordance with the Rules of the High Court a sum of two thousand rupees as security for the costs of the petition. Section 86(1) states that the High Court shall dismiss an election petition which does not comply with the provisions of section 81 or section 82 or section 117. After carefully perusing these provisions, I feel that the provisions contained in section 117 of the Act are mandatory and there is no provision in the Act which gives a discretion to the Judge to ignore that provision.

14. In support of my view, I would refer to the decisions of the Supreme Court in two cases. In the case of *M. Kammanidhi v. H. V. Handa and others*, (AIR 1983 SC 558), it was observed as under :

"Sub-section (1) of section 117 is in two parts. The first part of sub-section (1) of section 117 provides that at the time of presenting an election petition, the petitioner shall deposit in the High Court a sum of Rs. 2,000 as security for the costs of the petition, and the second is that such deposit shall be made in the High Court in accordance with the rules of the High Court. The requirement regarding the making of a security deposit of Rs. 2,000 in the High Court is mandatory, the non-compliance of which must entail dismissal in limine of the election petition under sub-section (1) of section 86 of the Act."

15. In the case of *Charan Lal Sahu v. Nandkishore Bhutt and others*, (AIR 1973 SC 2464) it was observed as under :

"If no discretion to condone the delay in presentation of the petition or to absolve the petitioner from payment of security for costs is conferred, it cannot be exercised under any general law or any principle

of equity. There is no provision in the Act empowering the High Court to absolve the petitioner from making any security deposit or to reduce the amount required to be deposited under the Act."

It was further observed in that case that the High Court had no option but to reject the petition for non-deposit of security along with the election petition as required by section 117 of the Act.

16. It will thus be seen from the decisions of the Supreme Court cited above that the provisions of section 117 of the Representation of the People Act are mandatory and if there is no compliance of these provisions regarding the security deposit, then the High Court has no other option under section 86(1) of the Act but to reject the election petition. Consequently, the provisions of section 117 of the Act being mandatory, its non-compliance would entail the dismissal of this petition in limine.

17. In the view that I took, this election petition is dismissed as provided by section 86(1) of the Representation of the People Act. An authenticated copy of this judgment and order shall be sent to the Election Commission as required by section 103 of the said Act. Similarly, this order shall be communicated to the Election Commission and Speaker of Lok Sabha.

18. At this stage Shri Chede, learned counsel for the petitioner requests for stay of any action to be taken under sections 103 and 106 of the Representation of People Act for one month. Request refused.

Typed by.—R. M. Dubey, Clerk.

Read by :—Sd/ Illegible

Examined by :—Sd/- Illegible

नई दिल्ली 7 अक्टूबर, 1985

आदेश

आ. अ. 99.—निर्वाचन आयोग का समर्थन हो गया है कि नीचे की सारणी स्लम (2) में यथा विनिर्दिष्ट लोक सभा/विधान सभा के निर्वाचन के लिए जो स्लम (3) में विनिर्दिष्ट निर्वाचन-क्षेत्र से हुआ है, स्लम (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्लम (5) में यथा उपरोक्त रूप में अपने निर्वाचन व्ययों का कोई भी लेखा दायित्व करने में असफल रहा है ;

और उक्त अभ्यर्थियों ने सम्यक सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण अथवा स्पष्टीकरण नहीं दिया है या उनके द्वारा दिए गए अभ्यावेदनों पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समर्थन हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या व्यायीकृत्य नहीं है ;

अतः अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10 के अनुसरण में नीचे की सारणी स्लम (4) में विनिर्दिष्ट व्यक्तियों का संसद के किसी भी सदन के या किसी राज्य के विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश को ताराब से सौंप कर उनकी कालावधि के लिए निर्दिष्ट घोषित करता है।

सारणी

क्रम सं.	निर्वाचन का विवरण	संसदीय निर्वाचन क्षेत्र की क्र. सं. और नाम वता	निर्वाचन लड़ने वाले अभ्यर्थी का नाम व पता	निर्वाचन का कारण
1	2	3	4	5
1	लोक सभा का माधारण निर्वाचन	12 बंगलौर उत्तर संसदीय निर्वाचन क्षेत्र	श्री खानिद निशु, 48-ए चार्ल्स कैम्पबेल रोड काकम टाउन बंगलौर (कर्नाटक) श्री बी जयराम, नं. 44/1, ई II स्ट्रीट, 70वीं डिबोजन, शिवाजीनगर, बंगलौर-51 (कर्नाटक) श्री एच और सिद्धान्तगोखर बैंकटाला गांव बैंकटगिरि कोट पोस्ट, देवताहली तालुका, जिला बंगलौर (कर्नाटक)	लेखा समय पर और ढंग से दाखिल करने में असफल रहे। लेखा दाखिल करने में असफल रहे। नई

1	2	3	4	5
2	लोक सभा का साधारण मिशन	15 चामराजनगर (अ.जा.) संसदीय निर्वाचन क्षेत्र	श्री बी. एम्. विगप्पा, स. 24 गायत्रिपुरम, II स्टेज, तञ्जव्वाव मोहल्ला, जिला मैसूर, कर्नाटक श्री सी. वेंकेश, अध्यक्ष सेरिकल्परल सेक्टर युनियन, धैक्कूर तालुका, जिला मैसूर (कर्नाटक)	लेखा दाखिल करने में असफल रहे लेखा समय पर व डंग में दाखिल करने में असफल रहे।
	नंदव	20 चिकमंगलूर संसदीय निर्वाचन क्षेत्र	श्री एम्. गोविन्दा प्रभू, सुपुत्र दाना प्रभू, छोटेय तान महल, मार्किट रोड (कर्नाटक)	लेखा डंग में दाखिल करने में असफल रहे।

[सं. 76/कर्नाटक-नो. म./85 (1-6)]

आदेश से,

सी. एल. राम, सचिव

New Delhi, the 7th October, 1985

ORDER

O.N. 99.—Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the election to the House of the people/Legislative Assembly specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge an account of his election expenses in the manner/has not lodged the account at all as shown in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder :

And, whereas, the said candidates have either not furnished any reason or explanation for the said failure even after due notice or the Election Commission, after considering the representations made by them, if any, is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen and for being, a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 3 years from the date of this order.

TABLE

S. No.	Particulars of election	S. No. and Name of Constituency	Name of the contesting candidate	Reason for disqualification
1	2	3	4	5
1.	General Election to the House of People	12. Bangalore North Parliamentary Constituency	Shri Khalid Nishu, 48-A, Charles, Champball Road, Cox Town, Bangalore 5 (Karnataka) Shri B. Jayaram, No. 44/1, D.II Street 70th Division, Shivajinagar, Bangalore-51, (Karnataka) Shri H.R. Siddalingachar, Venkatale Village, Venkatagirikote Post, Devanahalli Taluk, District Bangalore, (Karnataka).	Failed to lodge the account not in time & in manner Failed to lodge any account -do-
2.	-do-	15. Chamarajanagar (SC) Parliamentary Constituency	Shri B.M. Lingappa, No. 24, Gayathripuram, II Stage, Nazarbad Mohalla, Mysore District, Karnataka	-do-

1	2	3	4	5
			Karnataka. Shri C. Devanna, President. S-ricultural Labour Union, Mamballi, Yelandur Taluk. Mysore District. (Karnataka).	Failed to lodge the account not in time and manner
3.	-do-	20, Chickmagalur Parliamentary Constituency	Shri M. Govinda Prabhu, S/o Dana Prabhu, Hotel Taj Mahal, Market Road. (Karnataka).	Failed to lodged the account in the manner.

[No. 76/KT-HP/85 (1-6)]

By order,

C.L. ROSE, Secy.

नई दिल्ली, 1 नवम्बर, 1985

New Delhi, the 1st November, 1985

आवेदन

आ. अ. 100--फरवरी, 1983 में असम विधान सभा के लिए हुए साधारण निर्वाचन में 124-मरघेरिता विधान सभा निर्वाचन क्षेत्र में निर्वाचन लड़ने वाले अभ्यर्थी श्री भोला नाथ सूर, सान्तिपाड़ा, बरबरी, धाकखाना डिब्रूगढ़, असम, को लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 10क के अधीन अपने निर्वाचन व्ययों का लेखा उक्त अधिनियम और उसके अन्तर्गत बनाए गए नियमों के अनुसार दाखिल करने में असफल रहने के कारण निर्वाचन आयोग के तारीख 7 नवम्बर, 1983 के आदेश सं. 76-असम-वि. सं. /83 (19 से 23 तक) द्वारा निर्द्दष्ट घोषित कर दिया था;

और उक्त श्री भोला नाथ सूर ने निर्वाचन आयोग के सम्मुख उस पर लागू निर्द्दष्टता को हटाने के लिए आवेदन दिया है जिसमें उसने बिधि द्वारा अपेक्षित रीति से निर्वाचन व्ययों का लेखा दाखिल करने में अपनी असफलता के कारण बताया है;

और उक्त श्री सूर आयोग में उपस्थित हुए और लेखा दाखिल करने में असफल रहने पर खेद प्रकट किया और अनुरोध किया कि उसकी इस असफलता को माफ कर दिया जाए;

और निर्वाचन आयोग ने उक्त आवेदन से दी गई परिस्थितियों पर और आयोग के सम्मुख उनके द्वारा निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहने के लिए दिए गए मौखिक बयानों पर विचार करने के बाद निर्द्दष्टता की अवधि को दो वर्ष करने का निर्णय लिया है;

अतः अब आयोग, उक्त अधिनियम की धारा 11 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एतद्द्वारा, श्री भोला नाथ सूर पर 7 नवम्बर, 1983 के अपने आदेश द्वारा लगाई गई निर्द्दष्टता की अवधि को 3 वर्ष से घटाकर 2 वर्ष करता है।

[सं. असम-वि. सं./124/83]

आदेश से,

एस. डी. प्रसाद, अवर सचिव

[No. AS-LA/124/83]

By order,

S. D. PERSHAD, Under Secy.